

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-3 and 9-11 have been rejected and Claims 4-8 and 12 have been objected to by the Examiner. Claims 1, 4, and 11-12 have been amended. No new matter has been added. Accordingly, Claims 1-12 will be pending in the present application upon entry of this Reply and Amendment.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter and Comment on Statement of Reasons for Allowance

The Examiner objected to Claims 4-8 and 12 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 12 have been amended in accordance with the suggestion of the Examiner. Accordingly, the Applicants submit that such claims are allowable. Applicants also submit that Claims 5-8 are allowable by virtue of their dependency on Claim 4.

The Examiner provided the following statement:

Claims 4-7 and 12 would be allowable because the prior art does not disclose or suggest a rechargeable battery comprising at least one of a state of charge indicator and an acid level indicator attached to the upper part of the sealing plug and passing through the lower part of the sealing plug cavity. Claim 8 would be allowable because the prior art does not disclose or suggest having a rechargeable battery wherein the sealing plug is formed from an electrically conductive plastic.

While the Applicants agree that allowed Claims 4-8 and 12 recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject

matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

Claim Rejections – 35 U.S.C. § 102(b)

On page 2 of the Office Action, the Examiner rejected Claims 1-3 and 9-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,277,517 Thomas et al.

Claim 1 (as amended) is in independent form and recites a “rechargeable battery” comprising, in combination with other elements, a “splash basket” that “surrounds a cavity and has slots distributed over its circumference, the slots continuing as far as a free end of the splash basket and having a width that broadens with increasing distance from the free end of the splash bucket” Claims 2-3 and 9-10 depend from independent Claim 1.

Thomas et al. does not identically disclose a “rechargeable battery” comprising, among other elements, a “splash basket” that “surrounds a cavity and has slots distributed over its circumference, the slots continuing as far as a free end of the splash basket and having a width that broadens with increasing distance from the free end of the splash bucket” as recited in independent Claim 1 (as amended). The Applicants submit that Claim 1 (as amended) is patentable over Thomas et al.

Dependent Claims 2-3 and 9-10, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Claim 11 (as amended) is in independent form and recites a “sealing plug for sealing openings which are incorporated above cells in a rechargeable battery” comprising, in combination with other elements, a “splash basket having slots provided along its circumference” in which “the slots continue as far as a free end of the splash basket, the slots increasing in width with increasing distance from the free end of the splash basket.”

Thomas et al. does not identically disclose a “sealing plug” comprising, among other elements, “splash basket having slots provided along its circumference” in which “the slots

continue as far as a free end of the splash basket, the slots increasing in width with increasing distance from the free end of the splash basket" as recited in independent Claim 11 (as amended). The Applicants submit that Claim 11 (as amended) is patentable over Thomas et al.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-11 under 35 U.S.C. § 102(b).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending Claims 1-12.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (313) 234-7150
Facsimile: (313) 234-2800

Marcus W. Sprow
Attorney for Applicants
Registration No. 48,580